

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-8 were examined and rejected.

By this Amendment, claims 1, 3 and 6 have been amended and new claim 9 has been added. The amendments and additions to the claims are well supported throughout the specification. In particular, the amendments to claim 1 find clear support in the figures as well as text discussing compressing a vessel wall between a ring and petals adapted to oppose the same. Accordingly, no new matter is added.

Also, Applicants note that claims 7 covers a non-elected species; namely, that of Figs. 40e and 40f. As such, claim 7 is withdrawn pending allowance of claim 6 from which it depends. However, since the Examiner expressed that the subject matter of claim 7 represents allowable subject matter, it has been rewritten in independent format as new claim 9.

Rejections of claims 1 -5

Claim 1 is amended to clarify the distinction between the invention it describes and that of the Bachinski reference. Particularly, the configuration of the “petals” as seen throughout the figures as enabling the compression-type securement Applicants describe is now made explicit in the claims. The “petals” are described as configured so at least a portion of each can lie flat against opposing host vessel wall tissue. No portion of the wires 436 in Bachinski is so configured.

Bachinski fails to teach such structure in two regards. First, elements 436 are curved upon deployment. They dig into the tissue (as stated at col. 8, line 57-60: “struts 436 (and barbs and/or hooks if provided) are firmly set in [the] coronary artery”); no part of the struts 436 can reasonably said to lie against the tissue when its resting/deployed state. In fact, all of the detailed views of the “engagement” described in the reference show a piercing mode of securement – not a “lying against” approach.

Even if this were not the case, struts 436 are in the form of wires. Applicant is aware of no teaching (express or implied) in which the struts have a flattened profile as required of claim 1, which language is in-line with compression mode of securement Applicants teach.

Accordingly, claims 1-5 are believed to be in condition for allowance.

Rejections of claim 6-8

As amended, claim 6 is believed to clearly define over Bachinski. The reference fails to teach members 436 substantially following the curvature of the target vessel to support its wall. In fact, the barbs are oppositely curved in order to achieve the noted puncture-style securement. Accordingly, withdrawal of the rejection is requested.

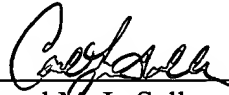
Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number CNVG-004US1DIV2.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

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By: 
Carol M. LaSalle
Registration No. 39,740

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231